

UNITED STATES OF AMERICA

v.

FILED 05 JUN 17 13:53 USDC-ORP

**STEVEN ROBERT WILSON**

409 Nursery Street  
Amity, OR 97101

Court No. CR 05-128-KI

U.S. Attorney's File No. 2004R00642

AGREEMENT FOR PRETRIAL DIVERSION

You are reported to have committed an offense against the United States on or about March 2, 2004, in violation of Title 18, United States Code, Section 1993(a)(8) in that you did: threaten to commit a violent act against a mass transportation system. You accept responsibility for your behavior by your signature on this Agreement. After investigation of the offense, and your background, your interest and the interest of justice will be served by the following procedure; therefore

On the authority of the Attorney General of the United States, by Karin J. Immergut, United States Attorney for the District of Oregon, prosecution in this District for this offense shall be deferred for the period of six (6) months from the date this Agreement is signed and entered by the court, provided you abide by the following conditions and requirements of this Agreement set out below.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any conditions of this pretrial diversion program or change the period of supervision, which shall in no case exceed eighteen months. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. You have no right to a hearing or appeal from the decision of the United States Attorney.

After successfully completing your diversion program and fulfilling all the terms and conditions of this Agreement, no prosecution for the offense set out on page 1 of this Agreement will be instituted in this District, and the charges against you will be dismissed.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense.

Conditions of Pretrial Diversion

1. You shall not violate any law (federal, state and local). You shall immediately contact your pretrial diversion supervisor if arrested and/or questioned by any law enforcement officer.

2. You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of the special program described below. In the absence of a special program, when out of work or unable to attend school, you shall notify your pretrial diversion supervisor at once. You shall consult her or him prior to job or school changes.

3. You shall continue to live in this judicial district. If you intend to move out of the district, you shall obtain approval from your pretrial diversion supervisor so that the appropriate transfer of program responsibility can be made.

4. You shall follow the program and conditions described below in number 6.

5. You shall report to your program supervisor as directed in number 6 and keep her or him informed of your general whereabouts.

6. Special Program:

a) You shall report to Pretrial Services as directed;

b) You shall avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: Abide by restraining order filed by Portland & Western Railroad;

c) You shall not come within 100 feet of any railroad tracks anywhere in the State of Oregon, except to engage in lawful activity and/or travel on a public road;

d) You shall not interfere, in any way or manner, with the business or activities of any railroad operating in the State of Oregon;

e) You shall not contact, in any way or manner, Willamette & Pacific Railroad, Inc., Portland Western Railroad, Inc., or any of their affiliated or subsidiary companies (list to be provided) and/or any of their officers, against or employees, including, but not limited to, the following types of contact: telephone calls, voicemail messages, e-mail messages, face-to-face communications, facsimile transmissions and/or letters and correspondence; and

f) You and your wife shall be permitted to participate in black powder shooting competitions during the term of the diversion agreement. Those items shall not be kept at your home. You shall relinquish all other firearms to third party approved by the government and U.S. Pretrial Services.

#### Acknowledgment

I understand and agree that the decision as to whether or not I am in violation of the terms of the Agreement is solely that of the United States Attorney in consultation with the U. S. Pretrial Services Office.

I understand the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I hereby request that the United States Attorney for the District of Oregon defer any prosecution of me for violation of Title 18, United States Code, Section 1993(a)(8) for the period of six (6) months, and I agree that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of six (6) months, which is the period of this Agreement.

I understand that, in the event this agreement is successfully completed and the charge is dismissed, I will not seek attorneys fees, and will not assert that such a dismissal makes me a prevailing party, under Title 18, United States Code, Section 3006A.

I understand the conditions of my pretrial diversion and agree that I will comply with them.

5-12-05  
Date

SRW  
STEVEN ROBERT WILSON  
Name of Divertee

4-29-05  
Date

G. Needham  
GERALD NEEDHAM  
Defense Counsel

4-28-05  
Date

P. R. Holsinger  
PAMALA R. HOLSINGER  
Assistant U.S. Attorney

6/3/05  
Date

N. Stranieri  
NICHOLAS STRANIERI  
U.S. Pretrial Services Officer

APPROVED:  
6-16-05  
Date

Garr King  
GARR . KING  
United States District Judge